



DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PETITION TO WITHDRAW ABANDONMENT**

APPLICANT(S): Mitsuhiko Nakamura et al.. OLD DOCKET NO.: P97,0322

NEW DOCKET NO.: 09794353-0005

SERIAL NO.: 08/809,463

GROUP ART UNIT: 2814

DATE FILED: July 18, 1997

EXAMINER: P. Cao

INVENTION: "MULTI-LAYERED STRUCTURE FOR FABRICATING OHMIC ELECTRODE AND OHMIC ELECTRODE"

Hon. Assistant Commissioner for Patents  
Washington, DC 20231

S I R:

#23 to  
Petition to  
abandonment  
w/17  
RECEIVED  
MAR 06 2001  
OFFICE OF PETITIONS  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

In response to the Notice of Abandonment dated March 1, 2001, Applicants petition for withdrawal of the abandonment as erroneous in light of timely filing of a proper Request for Rehearing in response to the Decision on Appeal mailed on November 28, 2000. This Petition is being filed in accordance with 37 C.F.R. §1.181(a).

A Decision on Appeal was mailed on November 28, 2000, in the present application.

On January 29, 2001, a Request for Rehearing in triplicate and a self-addressed post card receipt were filed by Certificate of Mailing in response to the Decision on Appeal of November 28, 2000.

The Request for Rehearing was due within two months of issuance of the Decision on Appeal. As January 28, 2001 fell on a Sunday, Applicants timely filed the Request for Rehearing on Monday, January 29, 2001.

On March 1, 2001, a Notice of Abandonment was issued stating that "the decision by the Board of Patent Appeals and Interferences rendered on Nov 28, 2000 and because the period for seeking court review of the decision has expired and there are no allowed claims".

Enclosed herewith is a copy of the Request for Rehearing showing the Certificate of Mailing certifying that the Request for Rehearing was mailed to the U.S. Patent and Trademark Office on January 29, 2001. Also enclosed is a copy of the self-addressed post card, which has not been returned from the U.S. Patent and Trademark Office.

Applicants have therefore timely filed a response to the Decision on Appeal of November 28, 2000 in the present application utilizing the Certificate of Mailing procedures. The abandonment is therefore an error and withdrawal of the abandonment is accordance with 37 C.F.R. §1.181(a) and early rehearing of the appeal in the present application is hereby requested.

**RECEIVED**

JUN 22 2001

Since the abandonment of the present application is a result of Patent Office error, no fee is enclosed with this Petition. This Petition is being filed within two months of the Notice of Abandonment in accordance with 37 C.F.R. §1.181(f).

Respectfully submitted,

Christopher P. Rauch (Reg. No. 45,034)  
Christopher P. Rauch  
SONNENSCHNEIDER, NATH & ROSENTHAL  
P.O. Box #061080  
Wacker Drive Station - Sears Tower  
Chicago, IL 60606-1080  
Telephone 312/876-2606  
Customer #26263  
Attorneys for Applicant(s)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to <sup>v</sup>Asst. Commissioner for Patents, Washington, D.C. 20231 on April 3, 2001.  
Box AF,

Christopher P. Rauch (Reg. No. 45,034)  
Christopher P. Rauch